

### **REMARKS**

This Amendment/Response is prepared in response to the Office action mailed on 4 March 2008 (Paper No. 02202008).

### **Drawings Objection**

The drawings are objected to because of minor informalities. The Examiner stated Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. The applicant must respectfully traverse the examiners objection to the drawings.

Fig. 1 illustrates a WLAN environment utilizing an Ethernet connection between switching system 110 and APs 120a and 120b. Explanation for the Ethernet connection is described in paragraphs [0012] and [0033] of the application as filed. Further, Fig. 2 illustrates the WLAN environment utilizing an ISDN connection between switching system 210 and APs 220a and 220b. Explanation for the ISDN connection is described in paragraphs [0034], [0040] and [0045]. Therefore, that which is shown in Figure 1 is not old and should not be labeled as prior art.

### **Claim Rejection Under 35 U.S.C. § 101**

Claims 27 and 28 are rejected under 35 U.S.C. 101 because it is asserted that the claimed invention is directed to non-statutory subject matter.

MPEP §2106.01 states,

Data structures not claimed as embodied in computer-readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data

structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. (Emphasis Added)

Claims 27 and 28 have been amended to comply with the aforementioned requirements for computer related inventions discussed above. Therefore, withdrawal of the rejection of claims 27 and 28 under 35 U.S.C. §101 is respectfully requested.

### **Claim Rejection Under 35 U.S.C. § 102**

Claims 1, 2, 12, 13, 15, 18-19, 21-22 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee *et al.*, US 2005/0117524.

The present invention relates to a method is for supporting mobility of a WLAN voice terminal which can guarantee mobility, when a data line such as an ISDN line is used as a communication line between a switching system and access points and when the WLAN voice terminal roams from a basic service set of one access point which it intends to be associated with to a basic service set of another access point during signaling. It also guarantees mobility when the WLAN voice terminal roams from a basic service set of one access point which it is currently associated with to a basic service set of another access point during an active call. The method for supporting mobility of a WLAN voice terminal using a data line, includes where the WLAN

voice terminal roams to a second access point and performs a probe process during association signaling between the WLAN voice terminal and a first access point, where the WLAN voice terminal and the second access point perform a MAC address authentication process, where a circuit interface unit performs handover by using terminal information of the WLAN voice terminal and MAC address information of the first access point upon the re-association request of the WLAN voice terminal through the second access point, and where the WLAN voice terminal and the second access point perform an association signaling process after the handover.

The primary reference cited by the Examiner is Lee *et al.* (U.S. Patent Publication No. 2005/0117524), which relates to a method for minimizing handoff latencies when a handoff is performed in a wireless network. An access point (AP) or base station associated to a current wireless station (STA) allows information required for a reassociation to the STA to be propagated to handoff-capable neighboring APs or base stations. When the STA moves, a neighboring AP or base station performs the reassociation to the STA on the basis of context. When a handoff procedure is performed, the time taken to receive context of a corresponding STA is reduced, such that a fast handoff can be implemented.

The secondary reference cited by the Examiner is Lappeteläinen *et al.* (U.S. Patent No. 6,834,045), which relates to apparatus, and an associated method, by which to facilitate frequency channel allocation, and reallocation, in a radio communication system. Channel allocation and reallocation is effectuated to attain a desired statistical emission spectrum. Implementation is effectuated, for instance, in a WLAN system operable pursuant to the IEEE 802.11 standard but implemented in a 5 GHz frequency band.

However, Lee et al. attempts to improve quality of service in switching from one AP to another AP by decreasing the latency time involved based on context. However, in the present invention quality of service is improved when switching from APs by using an ISDN line rather than an Ethernet connection. In the conventional art, an Ethernet shared line requires separate power supplies for each AP and the quality of service degrades depending on the status of the Ethernet line. Further, when WLAN terminals roam from the BSS of one AP to the BSS of another AP, mobility cannot be guaranteed.

Therefore, Lee et al. does not recite the use of any specific data line, in particular an ISDN line. Therefore, independent claims 1, 12, 18, 21, 27 and 28 patently distinguish over the prior art relied upon, by reciting, as exemplified by claim 1,

“A method for supporting mobility of a wireless local area network voice terminal using a data line, comprising: performing a probe process during association signaling between the wireless local area network voice terminal and a first access point where the wireless local area network voice terminal roams to a second access point; performing a media access control address authentication process by the wireless local area network voice terminal and the second access point; performing by a circuit interface unit, handover by using terminal information of the wireless local area network voice terminal and media access control address information of the first access point upon the re-association request of the wireless local area network voice terminal through the second access point; and performing an association signaling process after the handover by the wireless local area network voice terminal and the second access point, wherein said data line is an Integrated Services Digital Network (ISDN) line.”  
(Emphasis Added)

Therefore, withdrawal of the rejection of claims 1, 2, 12, 13, 15, 18-19, 21-22 and 27-28 under 35 U.S.C. 102(e) as being anticipated by Lee *et al.*, US 2005/0117524 is respectfully requested.

**Claim Rejection Under 35 U.S.C. § 103**

Claims 3, 14, 20, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee *et al.* '524 in view of Lappetelainen *et al.*, US 6,834,045.

Lappeteläinen *et al.* describes frequency channel allocation and fails to cure the above deficiencies seen in the primary reference. Therefore, claims 3, 14, 20, 23 and 24 are allowable by virtue of their dependence from allowable independent claims. Therefore, withdrawal of the rejection of claims 3, 14, 20, 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over Lee *et al.* '524 in view of Lappetelainen *et al.*, US 6,834,045, is respectfully requested.

**Priority Date and 37 CFR §1.131 Affidavit**

This application was filed in the US Patent and Trademark Office on December 12, 2003. This application claims priority to Korean Serial Number 10-2002-80463 filed December 16, 2002. Please find enclosed a certified translation of Korean Serial Number 10-2002-80463. The primary reference Lee *et al.* has a US filing date of November 10, 2003. Therefore, with the filing of the aforementioned certified translation Lee *et al.* may no longer be used as a reference in this case. Therefore, withdrawal of the rejection of claims 1, 2, 12, 13, 15, 18-19, 21-22 and 27-28 under 35 U.S.C. 102(e) as being anticipated by Lee *et al.*, US 2005/0117524 is respectfully requested. Further, withdrawal of the rejection of claims 3, 14, 20, 23 and 24 under 35 U.S.C. 103(a) as being unpatentable over Lee *et al.* '524 in view of Lappetelainen *et al.*, US 6,834,045, is respectfully requested.

Further, please find attached a signed declaration under 37 CFR §1.131 establishing the date of conception and reduction to practice for this invention to be August 30, 2002. The documents supplied include:

- Original Korean Language Invention Disclosure (cover)
- English version of Korean Language Invention Disclosure (cover)
- Original Korean Language Invention Disclosure
- English version of Korean Language Invention Disclosure
- Verification of Translation
- The signed Declaration under 37 CFR § 1.131

With the filing of the aforementioned documents, sufficient evidence is now supplied to indicate that the present invention was conceived and reduced to practice on August 30, 2002. This date is before the filing date of the provisional application for Lee et al. which is November 8, 2002. Therefore, Lee et al. may not be used as prior art in this case.


**Conclusion**

Additional references were cited by the Examiner but not utilized in the rejection of the claims and accordingly, no further comment on these references is necessary.

No other issues remaining, reconsideration and favorable action upon all of the claims now present in the application is respectfully requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicants' undersigned attorney.

No fee is incurred by this Amendment.

Respectfully submitted,

  
Robert E. Bushnell,  
Attorney for the Applicants  
Registration No.: 27,774

1522 "K" Street N.W., Suite 300  
Washington, D.C. 20005  
(202) 408-9040

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Date: 6/2/08  
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